

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 28-29, 2005

Reference No.: 2.1c.(15)
Action Item

From: CINDY McKIM
Chief Financial Officer

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Transportation Programming

Ref: **TRAFFIC CONGESTION RELIEF PROGRAM (TCRP) LETTER OF NO PREJUDICE
APPROVALS
RESOLUTION TL-05-03**

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission) approve the attached resolution for eight AB 1335 Letter of No Prejudice (LONP) requests totaling \$32,534,000.

BACKGROUND:

Government Code Section 14556.33 allows an applicant agency, that is either a regional or local entity, to seek approval of an LONP. If approved by the Commission, the LONP allows the applicant agency to expend its own funds for any component of the transportation project and to seek allocation and reimbursement from the Traffic Congestion Relief Fund in future years. On August 14, 2003, the Commission approved Resolution G-03-12 adopting the Guidelines for Letter of No Prejudice, Traffic Congestion Relief Program.

As of August 2005, the Commission has approved a total of \$477,823,000* for 14 LONP requests and has approved allocations totaling \$3,857,000 for four LONP liquidations. The following table summarizes this information:

	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
Previously Approved Amounts	\$117,505,000*		\$176,704,000		\$16,700,000	\$166,914,000
Amount Allocated for LONP Liquidation	-\$3,857,000					
Totals to Date	\$113,648,000		\$176,704,000		\$16,700,000	\$166,914,000

*Amount adjusted to reflect savings identified on TCRP Project #74.5, as reported at the August 2005 Commission meeting, Tab 72, Reference No. 2.6e.(2).

The following table summarizes the approved LONPs to date and the proposed LONP requests anticipating approval in the fiscal year of completion for phases of work:

	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
Previously Approved Amounts	\$113,648,000		\$176,704,000		\$16,700,000	\$166,914,000
Current Proposed Amounts		\$ 29,534,000	\$ 3,000,000			
Totals	\$113,648,000	\$ 29,534,000	\$179,704,000		\$16,700,000	\$166,914,000

CALIFORNIA TRANSPORTATION COMMISSION
Approval of Traffic Congestion Relief Program
Letters of No Prejudice

RESOLUTION TL-05-03

- 1.1 WHEREAS the Traffic Congestion Relief Act of 2000 (herein after referred to as “statute”), which was established by Chapters 91 (AB 2928) and 656 (SB 1662) of the Statutes of 2000, establishes the Traffic Congestion Relief Program, providing \$5.39 billion for projects throughout the State of California to reduce traffic congestion, provide for safe and efficient movement of goods, and provide system connectivity; and
- 1.2 WHEREAS in accordance with Government Code Section 14556.11 the California Transportation Commission (Commission) has adopted guidelines, in consultation with the Department of Transportation (Department) and regional agencies, to implement the Traffic Congestion Relief Program (TCRP); and
- 1.3 WHEREAS Government Code Section 14556.33, established by Chapter 908 (AB1335) of the Statutes of 2001 allows the California Transportation Commission (Commission) to establish guidelines regarding AB 1335 Letter of No Prejudice (LONP) approval for lead applicant agencies allowing the regional or local entity to expend its own funds for any component of said agency’s TCRP project; and
- 1.4 WHEREAS on August 14, 2003, the Commission adopted the Guidelines for Letter of No Prejudice, Traffic Congestion Relief Program (Guidelines), allowing applicant agencies to seek alternate sources of funding under Resolution G-03-12; and
- 1.5 WHEREAS within the LONP request, the applicant agencies identify the alternate local funds that will be substituted for TCRP funds and provide a demonstration that the stated alternate funds are available; and
- 1.6 WHEREAS those LONP requests for construction or procurement phase of a project that expands or extends transit service (rail, bus, or ferry), are accompanied by demonstration by applicant agency of financial capability to operate the expanded service once the project has been completed; and
- 1.7 WHEREAS those LONP requests for capital phases (right of way and/or construction) are accompanied by documentation of Commission review of the Final Environmental Document, as appropriate, and approval for consideration of future funding; and
- 1.8 WHEREAS the Commission, with assistance from the Department, has reviewed and finds the following submitted TCRP project LONP requests to comply with the statute and guidelines.
- 2.1 NOW THEREFORE BE IT RESOLVED the Commission does hereby approve the following eight Traffic Congestion Relief Program LONP requests totaling \$32,534,000 as submitted, with subsequent clarifications and revisions:
 - Project #7.2 – \$5,270,000 for PA&ED, PS&E and R/W, for CalTrain; Lick to Gilroy Track Improvements and Gilroy Yard Revisions and Storage Facility.
Applicant Agency: Santa Clara Valley Transportation Authority
Alternate Funds – Measure A

- Project #12.2 – \$2,200,000 for PA&ED and PS&E, for Bay Area Transit Connectivity; Hercules Rail Station and related improvements in West Contra Costa County.

Applicant Agency: Contra Costa Transportation Authority

Alternate Funds – Local Redevelopment Funds

- Project #22 – \$6,000,000 for PA&ED, for Route 101; reconstruction of Doyle Drive, from Lombard St./Richardson Avenue to Route 1 Interchange in City and County of San Francisco.

Applicant Agency: San Francisco County Transportation Authority

Alternate Funds – Proposition K

- Project #23 – \$3,000,000 for PS&E, for CalTrain Peninsula Corridor; grade separations at Poplar Avenue, 25th Avenue, and Linden Avenue in San Mateo County.

Applicant Agency: San Mateo County Transportation Authority

Alternate Funds – Measure A

- Project #27.1 – \$6,350,000 for R/W, for Vasco Road Safety and Transit Enhancement, straighten Vasco Road, in Alameda and Contra Costa Counties.

Applicant Agency: Alameda County Congestion Management Agency (ACCMA)

Alternate Funds – Federal and Local

- Project #31 – \$6,000,000 for PS&E, for Route 580; construct eastbound HOV lane from Tassajara Road/Santa Rita Road to Vasco Road in Alameda County.

Applicant Agency: ACCMA

Alternate Funds – Regional Measure 2

- Project #97.2 – \$714,000 for PS&E and R/W, for Operational improvements near California State University, Fresno in the City of Fresno.

Applicant Agency: California State University, Fresno

Alternate Funds – University funds

- Project #135 – \$3,000,000 for PS&E, for Route 99/Sheldon Road; interchange project – reconstruction and expansion.

Applicant Agency: County of Sacramento

Alternate Funds – Measure A;

and

2.2 BE IT FURTHER RESOLVED that all conditions stipulated at time of application and/or application amendment approval are still in effect; and

2.3 BE IT FURTHER RESOLVED that agencies proceed at their own risk and that reimbursement is dependent on availability of TCRP funding; and

- 2.4 BE IT FURTHER RESOLVED that within six months following this date, the agency shall report to the Department on progress in executing agreements and third-party contracts needed to execute the work on the phase(s) covered by the approved LONP; and
- 2.5 BE IT FURTHER RESOLVED that upon completion of the phase(s) of a LONP approved by the Commission, the lead applicant agency may request to have its LONP liquidated with an allocation by the Commission, or at the Commission's direction by the Department; and
- 2.6 BE IT FURTHER RESOLVED that reimbursement of eligible costs is subject to the policies, restrictions and assurances as set forth in the Commission's policy for allocating, monitoring, and auditing TCRP projects, and is governed by the terms and conditions of the Fund Transfer Agreement, Program Supplement or Cooperative Agreement, and subsequent amendments to the same if required, as executed between the Implementing Agency and the Department; and
- 2.7 BE IT FURTHER RESOLVED that it is the responsibility of the lead applicant agency to disperse funds to all contributors of the alternate local funds.